"THE OX" GOES FREE IN BARREL MURDER

Justice Giegerich Releases Tomasso Petto on Recommendation of Assistant District-Attorney Ely, Who Admits Evidence Is Insufficient to Go to Trial.

On the recommendation of Assistant District-Attorney Ely, Tomasso Petto, alias "The Ox," indicted for the murder of Benedetto Madonia last April, was discharged from custody on his own recognizance by Justice Giegerich in the Criminal Branch of the Supreme Court to-day.

This action on the part of the District-Attorney's office places the famous "barrel murder" in the already long list of unsolved murder mysteries of New York.

Mr. Bly, in recommending the discharge of "The Ox," said that the evidence against him available at the present time is not sufficient to warrant expectation of a conviction. The man who murdered Madonia failed to summon an audience. Neither was there a photographer present to take pictures of the deed.

Petto left the court in company with his attorney, Charles Le Barbier, after Justice Giegerich had arranged for the discharge. He refused to say

The only evidence against "The Ox" was that he was seen in company of the murdered man a few hours before the crime was committed, that he was a member of a gang of counterfeiters that had reasons to put Madonia out of the way and that a pawnticket for Madonia's watch was found in his pocket when he was arrested. The watch was pawned by "The Ox" the

Police Commissioner Greene upon retiring from office sent a letter to inspector McClusky congratulating him upon his excellent work in solving the "barrel murder mystery." Now it appears that the barrel murder mystery must take its place with the "green trunk myster," and all the other mysteries that hid fair to remain mysteries to the end of time.

I have no criticism to make of the Assistant District-Attorney," said Inspector McClusky to-day. "Undoubtedly he 'dought it best to discharge Petto, but I should like to have seen the case go to trial. I believe now and always shall believe that in the thirteen men we arrested with the help of the Secret Service agents we had the gang that killed Madonia. I shall always believe that Madonia was killed at No. 226 Elizabeth street. We had enough evidence to hold Petto before the Coroner and get him indicted. and we can get the same vidence now.

"I was in hopes that one of the suspects would squeal, but all kept their mouths shut, although I am thoroughly convinced that every one of the men we had in custody knew all about the murder. The fate of Madonia, who had not even been a squealer, was enough to keep them slient."

A BRIGHT PUPIL

Young Women Teachers Went

Studies Was Arrested.

Sleuthing, and as a Result

Boy Who Stood High in His

Determined to learn the name of the

thief who was among their many schol-

ars half a dozen pretty young women teachers in Public School No. 84, at Watkins street and Glenmore avenue.

East New York, turned detectives and to-day their work was regarded when

they caused the arrest of Joseph Mos-

kat, a boy of sixteen, who stood high in

For a long time there has been thiev-

from the school last week. It was then

licited.

*You so to Joe's house and say you came from a Sunday-school association, were her instructions. "You will find that Joe will become interested at once. He is always intersted in

ney's office, went to the Harlem Court

down all the testimony in a policy case.

No. 214 East Eighty-eighth street, who

must show where the slips were drawn before he will order a conviction.

this afternoon and created considerable

ing in the school and the teacners wer

his studies in Miss Hickey's class.

PASTOR WAS KIND THIEF IN SCHOOL TO PRETTY GIRL

Congregation Objected to What It Considered Ardent Attention and Clergyman Was Compelled to Resign.

Because of his kindness to a pretty teacher in the public school in Hillsdale, N. J., and also a teacher in the Episcopal Sunday school there and an trdent church worker, the Rev. Arthur Whitaker, pastor of the church, was asked to-day to resign his charge by Bishop Lines, of Newark. The pastor jed at once. He made a claim for \$520 which he said was owed him for back salary and, when the congregation could not raise the money, the minister seized the church vestments and always the sufferers. Miss Hickey loss other goods of value and appropriated a valuable typewriter which was taken them to his own use.

Mr. Whittaker's kindness to the pretty decided that drastic measures must be teacher and church worker has been taken. called "ardent attention" and sometimes devotion" by certain members of his lock for some time past and without "He is often too bright," answered consulting the paster certain members another. The remark led to Joe being bishop and made charges. The bishop set about an investigation with the result that he asked Mr. Whittaker to

The Benits if All.

"Now what do you think of that?"
Mr. Whitaker and a wine he received at once. He is always intersted in the first from the bisnop. "I didn't seem that the same wine were against me. Me attentive to that rely "That's all nonsnee! Mr. Whitaker and I have been kind to her and the read of the read of

BLAZE IN THEATRE GALLERY conjecture as to his purpose in taking

Playlouse Fire in Cincinnati The stenographer took Magistrate Causes Hig Stir but Little Damage Baker's remarks as well. CINCINNATI, Jan. 29 .- There was a blaze in the gallery of the People's Theatre, on Vine street, here this after-noon, caused by a candle used by workmen igniting the woodwork.

There was considerable excitement, but the fire was extinguished without edusing much damage.

No. 214 East Eighty-eighth street, who was arrested with four policy slips in his possession by Detective Kennedy, Kennedy and Supt. Burke swore that the slips presented as evidence were regular policy slips, but Magistrate Baker discharged Casey.

Magistrate Baker has discharged all policy prisoners since he took office, a short time ago, on the ground of insufficient evidence. He says the police must show where the slips were drawn Sherlock Holmen's Opinion.

William Giliette says of Orangeine macriel. The only certain headache our permanuity good after sfreets." *.*

TOMMY RYAN AND JACK O'BRIEN AND JIM COFFROTH, WHO AND JACK O'BRIEN AND JIM COFFROTH, WHO
HAS ARRANGED FOR A RETURN MATCH BETWEEN THE PAIR. RICH WILLIAM



raigned in Brooklyn Court for

Larceny of Securities of Es-

In the Brooklyn County Court to-day

Albert M. Fragner entered a plea of guilty to an indictment charging him

with stealing twenty bonds, valued at

\$1,000, from Hugo Wantzellus and Ca-

mille and Edith Kainer. The bonds

were stolen on June 18 last, and the police believe that Fragner lost the

At No. 547 Carlton avenue is Fragner's

wife, a sister of the two women com-plainants. She protests that her faith in

her husband, whom she married a week ago in Jersey City, is unshaken, but she

the pleaded the way against Fragner was made three weeks ago. He was at-

orney for the estate left by the father

of the Kainer girls and had the full

Married a Third Sister.

When arrested, charged with misap-

propriating funds he made a plausible

defense and was released on bail.

Attorney, that he also victimized her.

stroke. He proposed marriage to Mrs.

Alexander and they went quietly to Jer-

sey City, where they were married by

justice of the peace. Being practically

suggested by his friends that the

charges against him be called off until

he had a chance to make explanations

But the aggrieved Kniner staters and

tions. They wanted action, and tool

the case before the Grand Jury, where

PORT OF NEW YORK.

ARRIVED.

INCOMING STEAMSHIPS.

OUTGOING STEAMSHIPS.
SAILED TO-DAY.
Capri, Barbados. Jamestown, Norfolk.
Clenfuegos, Rio Grande, B'swick.
Clenfuegos, Guantanamo. City of Birningham,
Savannah

A Guaranteed Cure for Piles.
Itching. Blind. Bleeding or Protrudi
Piles. Your druggist will refund money
PAZO OINTMENT fails to cure you in 8
14 days. 50c. 40

New York, Santo Domingo.

The prisoner was Joseph Carey, of Cyrano, Brest. Belgravia, Hamburg, Prinz Adelbert, Naples, Marilla, Naples.

money at the race tracks.

onfidence of the family.

tate He Controlled.

Lawyer Pleads Guilty When Arraigned in Brooklyn Court for O'BRIEN AND RYAN TO **BOX IN SAN FRANCISCO**

By Knockout.

Tommy Ryan and "Philadelphia" Jack O'Brien are to fight for the middle-weight championship of the world before the Yosemite Athletic Club, of San Francisco, the latter part of next month.

Jim Kennedy, the well-known sporting promoter of this city, rep resenting Manager James Coffroth, of the 'Frisco club, has all but clinched

Both Ryan and O'Brien have signified their readiness to box a twentyround contest for the championship next month.

The only thing remaining is for the principals and club management to agree upon the financia, terms. Kennedy says he is willing to concede

Coffroth wired to Philadelphia after the O'Brien-Ryan battle in Quakertown the other night to find out if these two great boxers would fight before his club next month.

I raw the men immediately after the battle, and both said they would villingly accept on offer from Coffroth. Jim Kennedy and a talk with Ryan to-day before the latter left New

Dorothy Alexander, a widow, the sister of Camille and Edith Kainer, did not York for Chicago, and the champion told him he would sign articles as elieve him guilty, although it now soon as he knew that O'Brien was ready to do so. appears, according to the District-"O'Brien has been notified that the articles are ready for him to affix Fragner saw a chance for a master

his signature to and will come to New York to-morrow to confer with Ken-

TIFFANY'S LIVING a member of the Kainer family, it was COST BIG MONEY

(Continued from First Page.)

Colsin. indictments were found yesterday that your brother Lewis had completely against Fragner. Charles G. Wall. a reformed? A I did not. He had not

that your brother Lewis had completely reformed? A i did not. He nad not reformed.

While Lewis testified Burnett Tiffany sat across the table. Not once did he take his eyes from the face of his brother and the look was not kindly. There is no love lost between these brothers. Lewis was calm but fright, while Burnett was flushed with anger, and his face became blazing when mention was made of his wife.

Wraugle Over the Letters.

The attempts of the Tiffany to Lewis asking for more money into evidence caused a wrangle of counsel on both sides. These letters are sald to be interesting. In them Burnett is vaid to refer to his coming marriage.

Willing to help Tiffany get his full estate if he were normat. "But he is not, and I must oppose it, he said. "He is known. You have just told of his escapade with some woman. I must oppose it, he said. "He is known. You have just told of his escapade with some woman. I must oppose it, he said. "But he is not, and I must oppose it, he said. "But he is not, and I must oppose it, he said. "But he is not, and I must oppose it, he said. "He is known. You have just told of his escapade with some woman. I must oppose it. He said. "But he is not, and I must oppose it, he said. "But he is not, and I must oppose it. He said. "But he is not, and I must oppose it. He said. "But he is not, and I must oppose it. He said. "He is known. You have just told of his escapade with some woman. I must oppose it. He said. "He is known. You have just told of his escapade with some woman. I must oppose it. He said. "He is known. You have been nown. I must oppose that you and inknown woman. I must oppose it. He said. "He is known. You have with some woman. I must oppose it. He said. "Hu is known. You have been hound." I must oppose that you have been and inknown woman. I must oppose that you have been and in known woman. I must oppose that you have been and in known woman. I must oppose that you have been and in known woman. I must oppose that you have here in the will testify that his father, that young law student associated with him in practice, was discharged in court. Fragner's bondsman refused to continue after the indictment, and the young lwayer spent the night in Ray-mond Street Jail. When he appeared in court to-day with his counsel, John brothers. Lewis was calm but frigid.

Reference was then made to Tillapy's first wife, from whom he was divorced just before his second marriage.

Eurnett said he was forty-three years old and was first married March 1, 1887. He was divorced April 1, 1891.

Q. Have you used intoxicating liquor during the past eight years? A. I have. The questioning was being done by counsel for the plaintiff, and many of the questions were objected to by Mr. Gould. rist wife, from whom he was divorced just before his second marriage.

Furnett said he was forty-three years old and was first married March 1. 1891.

Q. Have you used intoxicating liquor during the past eight years? A. I have.

The questioning was being done by counsel for the plaintiff, and many of the questioning was being done by counsel for the plaintiff, and many of the questions were objected to by Mr. Gould.

Q. Did you make any attempt to go into business after you returned from Europe? A. I did.

Mr. Gould then made an attack on young Tiffany, which halted the questioning. He said he was more than o'clock.

Cannot live on Less.

Q. Can you live on a less sum and continue in the style to which you are accustomed? A. I cannot.

Q. Were there any children born to your first wife?

"I object." cried Mr. Gould.

A. No children.

The witness laughed in giving the answer.

Q. Has there been a radical change in your life and habits?

The witness was not permitted to reply and the reference was adjourned until next Wednesday morning at 11 o'clock.

forward braces and be not good a

More Wrangling of Lawyers,

be interesting. In them Burnett is used to refer to his coming marriage.

Attorney Charles L. Gould, representing Lewis Tiffany and the Tiffany estate showed anger in his efforts to get the letters admitted. After a delay ex-Judge Lawrence admitted the letters. The direct examination was then continued. One of the letters from Burnett was read. It was dated Oct. 17 and read in part:

I am writing to you as brother to good for one of us to be hounded as a law now. I am furnishing our house at No. 125 West Eighty-eighth street and need money.

Your loving brother, The letter gave a detailed account of his debts.

The questioning of Lewis was resting to his debts.

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The questioning of Lewis was resting to his debts.

The questioning of Lewis was resting to his depth of the his part of the his work of the limits of the wife of one of the exception of increasing your brother's aflow-love.

After the quarrel in which you took your sister's part? A. He said there was no reason for my sister and me leaving home.

Q. What were your leaving home with your sister's part? A. Mrs. Mitchell, my married sister.

Mr. Gould and Mr. Page, attorney to he huner, which your father in the distinguish of the time.

Q. What your father would a servant who hadd said mean things about my sister? A. I did.

Q. What occurred

Cannot Live on Less.

the sale of the state of the sale of the s

HAD 60 SUITORS

But Mrs. Mary C. Burke Decided to Change Only One Letter in Her Name and Will Become UP-TO-DATE METHODS Mrs. Barke.

Mrs. Mary C. Burke, widow, owner of a chain of flats with all the modern improvements, as well as other real estate in Harlem, where she has re sided for years, will change one let-ter in her name next Wednesday. She will become Mrs. Barke. As Mrs. Burke she has been courted by sixty

On New Year's Day that number of young men called at her home, No. 162 West One Hundred and Twenty-third street. It is only a matter of two years goods. Mrs. Burke was very popular in since Sergt. Burke died, leaving his wife gift of nature. Ovid a favor of the plentifully provided with the world's gods. Aristotle affirmed that beauty ociety, and young men dangled about her in a hope that their protestations might be believed. Mr. Barke, who woks twenty-one, but thinks he has the | none of these distinguished authorities; aspect of a man well advanced in years, has left us even a hint of how beauty s the lucky one.

When seen by an Evening World reporter to-day he bristled with indignational blends the lily and the rose into the tion, first, that the age of his pros-pective bride was over-estimated, and, with cutaneous disfigurations and second, that his was subjected to a process of reduction. He is six feet in height, wears a deep shadow of a mustache and is quite good-looking. Mrs. Burke was not at home to any caller. The bridegroom-elect said:

Fell in Love at First Sight.

"If you write this up don't make a story of love at first sight. I have known Mrs. Burke for five years. But it is the 'Romance of a Month.' That's the title for it. On New Year's day Mrs. blood with poisonous elements to bethe title for it. On New Year's day Mrs.

ST. PETERSBURG, Jan. 29 .- The au

It is said that the delay was necessi-

are taken in drafting the document.

Viceroy Alexieff's views are also await-

ed before its transmission to the Czar.

warding of the answer will mark an-

everything depending on Japan's atti-tude. It is feared that despite pacific

may be forced on account of the ex-

Talk of War.

A high official said: "Of course we

utmost to offer Japan a basis for a

durable peace; but there are limits be-

a fortnight both Russia and Japan have officially communicated to the

United States, and to the European

chancelleries their positions regarding some of the points at issue. This

course was considered necessary in view

of the wild and varying reports dis-

Foreign Minister Lamsdorf in his in

terview with the Japanese Minister, M. Kurino, last night, indicated that Rus-

sia's reply would be despatched next

It is known that the strategic situa-

SPECIAL FOR FRIDAY.

BRITTLE BRITTLE SSORTED FRUIT & NU CHOCOLATES

We will deliver 10 lbs. he following rates: Manhattan Island, 10c.

Brooklyn, Jersey City Joboken or The Bronx, 15c.

Style 81-Men's Storm Shoes of viscolized box calf, with waterproof i in it in sy viscolized waterproof bottoms and full double soles extending to heel; a Winter-weight shoe that will keep

No Goods Sent C. O. D.

CARAMELS CLACE FRUIT &

citement of the press and people.

mitted until next week.

tated in consequence of the extreme the fortune left her by her parents. It grew under her own management.

Last of Sixty Callers.

"I was the last of those sixty callers, pressed my suit and now you behold ne the happlest of men. It is not true other critical stage in the negotiations, that I quit working as soon as we were engaged. I have had a long career of hard work and the vacation which I took was due me for faithful duty per-formed I needed the rest. influences the hands of the authorities

"The wedding will be held in a Catholic church next Wednesday afternoon, it were known the crowd that would cannot prevent war. Russia will do her yond which we cannot go. In Corea we

come would make it very unpleasant.
After the wedding Mr. and Mrs. Barke will go on an extended honeymoon."
"How old is Mrs. Barke?" the reporter asked.
"Because a woman is gray, does it follow that she is sixty years old?" asked the engaged young man.
He answered his own question: "No, of course not."
Mr. Barke said he was formerly a manager of mercantile businesses in Brooklyn. grant practically everything and in Manchuria we already recognize all the treaty rights of Japan and all other powers. Should Japan reject our conciliatory propositions the world must place the responsibility upon Japan."

An important fact in connection with the situations has been learned. Within

AID FOR MINERS' FAMILIES.

McClellan Glad to Receiv Contributions.

An appeal comes from Cheswick, Pa. for the relief of the families of the un-fortunate miners who perished there. Mayor McClellan to-day received the

following telegram:
"CHESWICK, Pa., Jan. 29, 1904.
"To the Mayor of New York City:
"One hundred and eighty-four miners killed and families destitute. The committee urges immediate and generous aid.
"Chairman Relief Committee.
Mayor McClellan will be glad to receive any contributions for the Cheswick miners and forward them to the Relief Committee.

tion was discussed by the military authorities present at to-day's and yes-terday's meetings of the Council of

SPECIAL FOR SATURDAY.

COR CHURCH

Style 80, Blucher cut; style 81, regular lace cut; absolutely waterproof shoes that are neither clumsy nor unnecessarily heavy; viscolized Box Calf; uppers viscolized; waterproofed inner and outer soles; the best possible shoes for health and comfort in this uncertain watther

The success of the Blyn business was

neither accidental nor unexpected. At

the very beginning we determined to win your trade by deserving it. We

are going to keep it by deserving to

I. BLYN & SONS

GUARANTEE SHOE CO.

FOUR 6th Ave. and 27th Street. Fociories: STONES 3d Ave. & 122d Street. 401, 403, 405 REACH: 162 Bowery, near Broome St. E. 9|8| Sl.

weather

LB. 10c TUTTI PRUTTI

SPECIAL FOR FRIDAY AND SATURDAY

Postal

That's all-and the Coffee, pure, rich, fresh roasted, will come direct to your door. The Gillies name guarantees that you will never want your money back-for the Gillies delicious Coffees have been a delight since 1840:-

Maracaibo No. 2, big value... 15c Cash Coffee, good and pure... 18c Broken Java, a great favorite... 20c Broken Mocha and Java, rich... 28c

LB 10c HIGH GRADE CHOCOLATES & RON-21c
BONS. OR ALL CHOCOLATES, LB. 21c
LB 15c CHOCOLATE CREAM
PEPPERMINTS. LB 25c

[9c CHOCOLATE PIGNOLIA 15 39c LB 19c CHOCOLATE PIGNOLIA LB 39c SIMPLY SEND POSTAL.

LB 19c CHOCOLATE MOLASSES We sell 5 lbs. Coffee or 1 lb. Tea- and deliver free in Manhattan Brooklyn and the

Gillies COFFEE

Bet. Park Pl. & Barclay St. Established 1840.

DIED

Heland.

Funeral from residence of her sister,
Mrs. M. Reilly, 102 W. 37th st., Sature,
day, Jan. 30; thence to Holy innocents'
Church, where a solemn requiem mass,
will be offered for the repose of her soul
at 10 A. M. sharp.

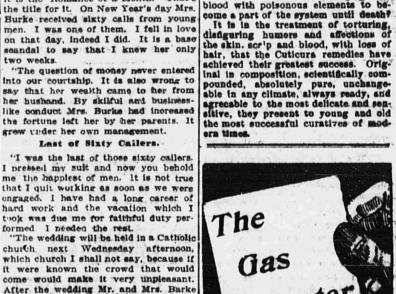
Interment Calvary Cemetery,
MAPTIN J.

of BRIEN.—On Jen. On Jen. On Martin Or BRIEN, aged, twenty-four, beloved son of Martin and Kate O'Brien.
Funeral Sunday from his late residence, 117 Hank street, 1.50 P. M. Friends and relatives invited to attend. Interment Calvary.

Laundry Wants-Female.

IRONERS, experienced on duck coats; new-laundry; short hours; Hagen machines, star laundry, 520 W. 36th St.
WANTED—First class family ironer. Model Laundry, 27 Fleet st., Brooklyn,
WANTED—First class new shirt fromer, woman or man. Model Laundry, 27 Fleet st., Brooklyn.

Laundry Wants-Male.



BEAUTY OF SKIN

PURITY OF BLOOD

a hese Interesting

Subjects.

For Purifying and Beautifying the Skin, Scalp, Hair

and Hands.

Socrates called beauty a short-lived

critus, a delightful prejudice,

tyranny. Plato a privilege of nature,

Theophrastus a silent cheat. Carneades

was better than all the letters of rec-

ommendation in the world, and yet

is to be perpetuated, or the ravages of

with cutaneous disfigurations and crimsons the Roman nose with unsight-

solitary kingdom, Homer a glorious



Send the

Bogota Coffee, fine and rare ... 28c Very Best Mocha and Java.... 32c Arabian Mocha, really superb... 35c

LB. 29c We seit 5 ibs. Coffee or 1 ib. Teas and deliver free in Manhattan. Brooklyn and the Bronx up to 180th str. 10 ibs. within 25 miles; 25 ibs. within 100 miles. Money back if you'll take it. 04 54 BARCLAY ST. COR WEST BWAY 29 CORTLANDT ST

233, 235, 237 and 239 Washington St.,

AVANAGH. Jan. 27. 1904. ELLEN M. KAVANAGH, native of County Wicklow.

BRIEN.-On Jen. 28, MARTIN J.